

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

GLOBAL PAYMENTS  
DIRECT, INC.

Plaintiff,

vs.

INTELLIGENT PAYMENTS,  
LLC and INTELLIGENT  
CONTACTS, INC.

Defendants.

and

INTELLIGENT PAYMENTS,  
LLC,

Third-Party Plaintiff,

vs.

123 IT SUPPORT, INC.;  
AVAIL SEO, INC.;  
CREATIVE ENTITY SETUP,  
INC.; DEBTOR PLUS  
SERVICE, INC; DIVERSE  
SOLUTIONS, INC.; GLOBAL  
TAX & ACCOUNTING, INC.  
dba FORTUNE FINANCIAL  
SOLUTIONS; MATRIX  
DATA SYSTEMS, INC.;  
GUARDIAN

Civil Action No.  
1:14-CV-02634-SCJ

MANAGEMENT, INC.; RB  
CONSULTING SERVICES  
LLC dba  
CREDITSERVICES800616196  
6, dba LIFESTYLE  
ADVENTURES; THE OFFICE  
CART, INC. dba OWASCO  
MANAGEMENT; TOP SHELF  
MARKETING, INC.;  
BUSINESS SOLUTIONS LLC  
dba BUSINESS STRATEGIES;  
ADAM URBAN; WAYNE  
SAVAGE; JEFF STOGNER;  
KELLY COBERT;  
STEPHANIE AGLEDOR;  
JUDE ESPINOZA; JOSHUA  
PEREZ; RAYMOND PINTER;  
ALLENE PAIGE; ROB  
BRAUER; JUSTIN  
MATTHEWS; KIM  
ANDERSON; and RYAN  
HULT,

Third-Party Defendants.

**MATRIX DATA SYSTEMS, INC. and RAYMOND PINTERS' ANSWER  
TO THE THIRD-PARTY COMPLAINT OF INTELLIGENT PAYMENTS,  
LLC**

Comes Now, Third-Party Defendants Matrix Data Systems, Inc. and  
Raymond Pinter (hereinafter referred to as “Third-Party Defendants”) and for their

Answer to Third-Party Plaintiff's Complaint, hereby shows the Court the following:

**FIRST DEFENSE**

All or part of Third-Party Plaintiff's Complaint fails to state a claim against these Defendants upon which relief can be granted and Plaintiffs' Complaint should be dismissed on those grounds.

**SECOND DEFENSE**

Venue is improper in this Court as to Third-Party Defendants, and therefore, this Court lacks subject matter jurisdiction.

**THIRD DEFENSE**

Third-Party Plaintiff's Complaint may be barred, in whole or in part, because Third-Party Plaintiff has failed to mitigate his damages.

**FOURTH DEFENSE**

Third-Party Plaintiff's Complaint may be barred, in whole or in part, by the applicable statute of limitations.

**FIFTH DEFENSE**

Third-Party Plaintiff failed to obtain proper service of process.

**SIXTH DEFENSE**

Third-Party Defendants reserve the right to assert any additional affirmative defenses and matters of avoidance as may be disclosed during the course of additional investigation and discovery.

**SEVENTH DEFENSE**

Third-Party Defendants deny each and every averment contained in Plaintiff's Complaint not expressly admitted hereinafter, and reserves the right to plead and prove at trial such other and further defenses as may as may become known during the course of investigation and discovery.

**EIGHTH DEFENSE**

In response to the individually numbered paragraphs contained in the Plaintiff's Complaint, the Defendant responds as follows:

**PARTIES**

1.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 1 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

2.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 2 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

3.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 3 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

4.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 4 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

5.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 5 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

6.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 6 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

7.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 7 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

8.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 8 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

9.

The allegations set forth in the first sentence of Paragraph 9 of Third-Party Plaintiff's Complaint are admitted. Third-Party Defendants are not certain as to what merchant agreement Third-Party Plaintiff is referring to in the second sentence of Paragraph 9; therefore, those allegations are denied.

10.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 10 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

11.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 11 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

12.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 12 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

13.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 13 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

14.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 14 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

15.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 15 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

### **JURISDICTION AND VENUE**

16.

Third-Party Defendants deny the allegations contained in Paragraph 16 of Third-Party Plaintiff's Complaint.

17.

Third-Party Defendants deny the allegations contained in Paragraph 17 of Third-Party Plaintiff's Complaint.

18.

Third-Party Defendants deny the allegations contained in Paragraph 18 of Third-Party Plaintiff's Complaint.



**FACTUAL BACKGROUND**

19.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 19 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

20.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 20 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

21.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 21 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

22.

The allegations set forth in Paragraph 22 of Third-Party Plaintiff's Complaint are admitted.

23.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 23 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

24.

Third-Party Defendants deny the allegations contained in Paragraph 24 of Third-Party Plaintiff's Complaint.

**COUNT I:**

**IMPLIED CONTRACTUAL INDEMNITY**

25.

A response to Paragraph 25 of Third-Party Plaintiff's Complaint is not required.

26.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 26 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

27.

Third-Party Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph 27 of Third-Party Plaintiff's Complaint and, therefore, deny the same.

28.

Third-Party Defendants deny the allegations contained in Paragraph 28 of Third-Party Plaintiff's Complaint.

29.

Third-Party Defendants deny the allegations contained in Paragraph 29 of Third-Party Plaintiff's Complaint.

30.

Third-Party Defendants deny the allegations contained in Paragraph 30 of Third-Party Plaintiff's Complaint.

31.

Third-Party Defendants deny the allegations contained in Paragraph 31 of Third-Party Plaintiff's Complaint.

**COUNT II:**  
**DECLARATORY RELIEF**

32.

A response to Paragraph 32 of Third-Party Plaintiff's Complaint is not required.

33.

Third-Party Defendants deny the allegations contained in Paragraph 33 of Third-Party Plaintiff's Complaint.

34.

Third-Party Defendants deny the allegations contained in Paragraph 34 of Third-Party Plaintiff's Complaint.

WHEREFORE, having fully answered Third-Party Plaintiff's Complaint, Third-Party Defendants pray that this Court dismiss Third-Party Plaintiff's Complaint against it, with all costs cast against Third-Party Plaintiff, and that Third-Party Defendants receive such other relief as this Court deems just and proper.

Respectfully submitted this 2<sup>nd</sup> day of December, 2014.

**THE SQUIRE FIRM, PLLC**

*/s/ Markee L. Squire*

**MARKEE L. SQUIRE**

Georgia State Bar No. 773335

Attorney for Third-Party Defendants

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Raymond Pinter

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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2014, I electronically filed **MATRIX DATA SYSTEMS, INC. and RAYMOND PINTERS' ANSWER TO THE THIRD-PARTY COMPLAINT OF INTELLIGENT PAYMENTS, LLC** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Anthony E. Giardino, Esq.  
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/s/ Markee L. Squire